

UNITED STATES DISTRICT COURT
FOR THE IN THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

GNOSSOS MUSIC, et al,

Plaintiffs,

vs.

HARLEY'S PUB, INC., et al,

Defendants.

Case No. 07-13801

Hon. Patrick J. Duggan

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CONSENT JUDGMENT

Plaintiffs, Defendant Harley's Pub, Inc. ("Harley"), and Defendant William G. Fritts ("Fritts") having stipulated to the entry of this Consent Judgment,

It is therefore ORDERED, ADJUDGED AND DECREED:

1. Harley and Fritts are enjoined and restrained permanently from publicly performing any or all of the copyrighted musical compositions in the repertory of the American Society of Composers, Authors, and Publishers ("ASCAP"), including those copyrighted musical compositions owned by Plaintiffs, and from causing or permitting such copyrighted musical compositions to be publicly performed, and from aiding and abetting public performances of such compositions, unless Harley shall have previously obtained permission to give such performances, either directly from the owners of the compositions, or by license from ASCAP.

2. Judgment is hereby entered against Harley and Fritts in the sum of Twelve Thousand dollars (\$12,000.00) (the "Judgment Amount"), to be satisfied by payment of Nine Thousand dollars (\$9,000) ("the Settlement Amount"). Harley and Fritts shall pay the Settlement Amount to ASCAP, on behalf of the Plaintiffs, in the following manner: a lump sum payment of \$1,000, due within 5 calendar days of the entry of this Consent Judgment; and monthly payments of \$1,000, payable on the first day of each calendar month, beginning on April 1, 2008, until paid in full.

3. The aforementioned payments shall be made payable to the "American Society of Composers, Authors and Publishers" and delivered to ASCAP's attorneys, Honigman Miller

Schwartz and Cohn LLP, c/o Brian D. Wassom, Esq., 2290 First National Building, Detroit, MI 48226; or such other recipient as ASCAP or its attorneys may designate.

4. In the event that Harley and Fritts shall fail to make the payment in accordance with the provisions of paragraphs 2 and 3 above, Plaintiffs' counsel shall provide written notice of such default in payment by U.S. mail, certified mail, overnight courier, facsimile, e-mail, or hand delivery to John S. Davidson, or other representative as Harley and Fritts shall designate, and Harley and Fritts shall have the opportunity to cure the default by paying the past due amount within ten (10) days of delivery of notice. If Harley and Fritts fail to cure the default within ten (10) days of delivery of such notice, Plaintiffs shall be entitled to receive the entire Judgment Amount, less any payment made by Harley and Fritts as provided in Paragraph 2 above.

5. ASCAP and Harley shall promptly execute an ASCAP General License Agreement for the establishment known as "Fritt's Pub," located at 77 N. Main, Mt. Clemens, Michigan for the term beginning January 1, 2008, with license fees pursuant to such license agreement for all periods through December 31, 2008 being included in the Settlement Amount. If Harley does not execute the license agreement within 10 days of ASCAP delivering same to Harley's counsel, Plaintiffs shall be entitled to receive the entire Judgment Amount, less any payment made by Harley and Fritts as provided in Paragraph 2 above. With respect to license fees due for all periods beginning January 1, 2009, Harley shall timely submit payment of such fees to ASCAP.

6. Upon ASCAP's receipt of the full Settlement Amount (or full payment of the Judgment Amount in the event of default), Plaintiffs shall file a satisfaction of this Consent Judgment with the Court.

7. Neither Harley nor Fritts shall willfully dissipate or encumber their assets in order to impair ASCAP's ability to collect the amounts due under this Consent Judgment. In the event that Harley or Fritts files a petition in bankruptcy, any sum then due pursuant to this Consent Judgment shall constitute a non-dischargeable debt pursuant to 11 U.S.C. § 523(a)(6). If the Judgment Amount becomes collectable as described in Paragraph 4, the assets subject to execution shall include alcohol, subject to the approval of the Michigan Liquor Control Commission.

8. This Consent Judgment shall bind and benefit the heirs, executors, administrators, successors, assigns, parents, affiliates, members and subsidiaries of ASCAP, Harley, and Fritts.

9. This Consent Judgment constitutes the entire agreement between ASCAP, on behalf of the Plaintiffs, Harley, and Fritts, and supersedes any prior agreements or understandings between ASCAP, Harley, and Fritts, whether written or verbal, and may not be modified in any manner, except by a writing signed by ASCAP, Harley, and Fritts.

IT IS SO ORDERED.

Dated: April 21, 2008

s/Patrick J. Duggan
United States District Court Judge

We stipulate to the entry of the foregoing order:

Gnossos Music, Ingrid Croce d/b/a Time in a Bottle, A. J. Croce d/b/a Croce Publishing, EMI/April Music Inc., Bible Black, and EMI Full Keel Music, by their attorney-in-fact, American Society of Composers, Authors, and Publishers (“ASCAP”)

By: /s/ Richard H. Reimer, Esq. with consent

Richard H. Reimer, Esq.
Senior Vice-President, Legal Services
ASCAP

Date: April 18, 2008

William G. Fritts, individually and as President of Harley’s Pub, Inc.

Date: /s/ William G. Fritts, with consent

Date: April 18, 2008

Approved as to form:

/s/ Brian D. Wassom

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/s/ John S. Davidson, with consent

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